

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

OPERATING ENGINEERS' LOCAL 324
FRINGE BENEFIT FUNDS,

Plaintiffs,

v.

Case No. 10-15072

ALTCHEM ENVIRONMENTAL SERVICES,
et al.,

Defendants.

**ORDER DIRECTING DEFENDANTS TO RESPOND TO OUTSTANDING
PRELIMINARY DISCOVERY ISSUES AND SETTING TELEPHONIC CONFERENCE**

On January 19, 2012, the court conducted a telephone conference with counsel for the parties, during which Plaintiffs' counsel indicated that, in spite of Defendants' statement in a December 21, 2011 supplemental discovery report that it had satisfied Plaintiffs' initial discovery requests, four preliminary discovery issues remain outstanding. The first three issues relate to purported payments Defendant Barry Portnoy received from Defendant Demrex, and the fourth issue relates to Defendants' counsel's inability to obtain a declaration from Defendant Jason Goldberg.¹ The court informed counsel during the conference that it would impose a two week deadline for Defendants to respond to the outstanding discovery issues. Accordingly,

¹In the interest of brevity, the court simply summarizes the four issues raised by Plaintiffs in the conference. Plaintiffs are strongly encouraged to provide Defendants, in a timely manner, a detailed recitation of the four outstanding preliminary discovery issues so that it is clear to Defendants what they need to do to respond to the issues.

IT IS ORDERED that Defendants' are DIRECTED to respond to all outstanding preliminary discovery issues on or before **February 3, 2012**.²

IT IS FURTHER ORDERED that counsel for the parties shall participate in a telephonic conference on **February 15, 2012 at 9:30 a.m.**

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 23, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 23, 2012, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

²The court observes that Defendants' actions over the course of the last four and a half months, including apparent serial failure to satisfy orders of production, may qualify them for substantial sanctions under Federal Rule of Civil Procedure 37(b) upon additional failure(s).